

REMARKS

Claims 1-4, 10, and 12 are pending in the instant application. Claim 9 has been cancelled herein without prejudice.

Applicants respectfully thank the Examiner for the withdrawal of the prior rejections and for deeming Claims 1-4, 10, and 12 allowable.

Applicants respectfully reserve the right to pursue any non-elected, canceled or otherwise unclaimed subject matter in one or more continuation, continuation-in-part, or divisional applications.

Reconsideration and withdrawal of the objections to and the rejections of this application in view of the amendments and remarks herewith, is respectfully requested, as the application is in condition for allowance.

Rejections under 35 U.S.C. §112, First Paragraph & Second Paragraphs

Claim 9 been rejected under 35 USC § 112, first paragraph, as allegedly failing to comply with the enablement requirement. The Examiner has stated that the specification “does not reasonably provide enablement for any other compositions combined with ‘a further active compound’ not previously described.”

Further the Examiner alleges that the term “further active compound” is indefinite as there is allegedly no definition of the term or the receptor the compound is active for or if the compound’s activity is for or against said receptor.

Without conceding the validity of the rejections, and solely for the purposes of expediting prosecution, Applicants have canceled Claim 9 without prejudice.

As such, the rejections to Claim 9 is now moot.

All of the instantly pending claims have been deemed allowable by the Examiner.

CONCLUSION

In view of the foregoing, reconsideration and withdrawal of all rejections, and allowance of the instantly claimed invention is earnestly solicited. If a telephone conversation with Applicants' attorney would help expedite the prosecution of the above-identified application, the Examiner is urged to call Applicants' attorney at the telephone number below.

Applicants believe that there are no additional fees due with this response. However, if a fee is due, the Commissioner is hereby authorized to charge Deposit Account No. 04-1105 for any fee(s) due with this response.

Dated: October 7, 2009

Respectfully submitted,

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